

1 PHILLIP A. TALBERT
2 United States Attorney
3 PETER K. THOMPSON
4 Acting Regional Chief Counsel, Region IX
5 Social Security Administration
6 CASPAR CHAN
7 Special Assistant United States Attorney
8 Social Security Administration
9 160 Spear Street, Suite 800
10 San Francisco, CA 94105
11 Telephone: 510-970-4810
12 Facsimile: 415-744-0134
13 Email: Caspar.Chan@ssa.gov
14 Attorneys for Defendant

15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17 JAMES BURNS,) Case No.: 2:20-cv-01182-JDP
18 Plaintiff,)
19 vs.)
20 KILOLO KIJAKAZI,) **STIPULATION AND [PROPOSED]**
21 Acting Commissioner of Social Security,) **ORDER FOR THE AWARD AND**
22) **PAYMENT OF ATTORNEY FEES AND**
23) **EXPENSES PURSUANT TO THE EQUAL**
24) **ACCESS TO JUSTICE ACT, 28 U.S.C. §**
25) **2412(d), AND COSTS PURSUANT TO**
26) **28 U.S.C. § 1920**
27)
28)
Defendant.)

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned
2 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses
3 in the amount of EIGHT THOUSAND TWO HUNDRED dollars and NO cents (\$8,200.00)
4 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) AND no costs under 28
5 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf
6 of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
7 2412(d).

8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
9 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560
10 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
11 depend on whether the fees are subject to any offset allowed under the United States Department
12 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
13 determine whether they are subject to any offset.

14 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
15 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
16 expenses and costs to be made directly to Plaintiff's counsel, pursuant to the assignment executed
17 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

18 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
19 attorney fees, and does not constitute an admission of liability on the part of Defendant under
20 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from,
21 and bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have
22 relating to EAJA attorney fees in connection with this action.

23 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
24 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
25
26
27
28

1 Date: June 30, 2022

CERNEY KREUZE & LOTT, LLP

2 By: /s/ Caspar Chan for Shellie Lott*

3 SHELLIE LOTT

4 *Authorized by email on June 30, 2022

5 Attorneys for Plaintiff

6 Date: June 30, 2022

7 PHILLIP A. TALBERT

8 United States Attorney

9 By: /s/ Caspar Chan

10 CASPAR CHAN

11 Special Assistant United States Attorney

12 Attorneys for Defendant

13

14 ORDER

15 IT IS SO ORDERED.

16 Dated: June 30, 2022

17 
18 JEREMY D. PETERSON
19 UNITED STATES MAGISTRATE JUDGE